



# City of Hampton, VA

## Meeting Minutes

### City Council

22 Lincoln Street  
Hampton, VA 23669  
[www.hampton.gov](http://www.hampton.gov)

*W. H. "Billy" Hobbs, Jr.*  
*Will Moffett*  
*Chris Snead*  
*Molly Joseph Ward, Mayor*

*Christopher G. Stuart*  
*Donnie R. Tuck*  
*George E. Wallace*

*Staff:*  
*Mary Bunting, City Manager*  
*Cynthia Hudson, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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Wednesday, October 10, 2012

6:00 PM

Council Chambers, 8th Floor, City Hall

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#### **CALL TO ORDER/ROLL CALL**

#### **MOLLY JOSEPH WARD PRESIDED**

**PRESENT:** W. H. "Billy" Hobbs, Jr., Will Moffett, Chris Snead, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

Mayor Ward welcomed everyone to the Public Comment Period.

Clerk of Council Ms. Katherine Glass read the protocol for the Public Comment Period.

#### **PUBLIC COMMENT**

Mr. Raynard Vinson, 112 Ethel Drive, greeted those on the dais and made the following statement: I was here a month ago after our two successive floods to discuss drainage issues in Hampton. After that I received a form letter and a pamphlet and they came and cleaned out the one drainage ditch in our neighborhood. I would like Council to ask the City Manager why they cannot improve the drainage in our neighborhood. There's one drain for that neighborhood. It rained this weekend and this was not any type of heavy rain. Water rises and still comes above the curb. I simply want the Council – you require two lots at the end of a cul-de-sac, so there's room there to improve the drainage into Newmarket Creek. It's not just rising water from the creek anymore; the drainage from the rain running to the creek is now rising in the neighborhoods. And that is all I would ask of the Council.

Mayor Ward noted Assistant City Manager Mr. Peterson, who is Acting City Manager in Ms. Bunting's absence, would have Public Works look into it and report back.

Mr. David Dietrich, 139 Wilderness Road, greeted those on the dais and made the following statement: I'm standing before you here tonight to discuss five issues: protection of Hampton residents, use of the Hampton City seal, responding to public inquiries, safe City Council seats and placement of political signs. The last four I gathered from a meeting you had recently, the working meeting, and that's published in the James River Journal. First one, protection of Hampton residents: I have been before

you on a number of occasions on this issue and finally received an answer from Ms. Bunting. It was a good start. I wanted to thank her for that if you could pass that along, Mr. Peterson. But there's a lot more to cover on that. I still want to know from our senior law enforcement officials, City Manager in this case, is due process of Hampton residents important to Ms. Bunting? And that, of course, applies to the Chief of Police as well. Will Hampton officials protect Hampton residents from unlawful apprehension of Hampton residents? Second part of that is emergency preparedness; for example, nuclear weather and others. Should Hampton residents be better informed and prepared than they are today? What will Hampton do to make this happen? In this case again, the City Manager. I don't think our website is set up well. I don't think there's good information there that's clear in every given situation what we should do. The response I got is "Well, you can come into the office individually." I don't think that's good enough. I think that should be out there for the broadest possible dissemination and availability at any given time. Use of the Hampton seal: Mr. Stuart, you made a big case for that, to have that, I believe, available in front of your place of business. You say you earned the right to use that seal as you see fit. I don't agree with you. I think that transportability of that authority is false and it's misrepresenting the office if you put it in front of your place of business. And on top of that, please don't send me patronizing form letters after I come before the board. Unless you're going to respond directly to my inquiry, I don't want to hear from you. Ms. Snead, if the media contacts you or a public person, a resident of Hampton, I would expect you to respond and not go to some organization at the City level to ask them what answer you should give. That should come from you; we want to know what you're about, we want to know how you all think. Council members running for Mayor: I think your suppression of that ability from a safe seat point of view is another way to maintain the status quo of incumbency. You should allow anybody to run for Mayor at any time. Same goes with political signs on public property. You should encourage candidates to place political signs on public property owned by the public, not the City. Thank you very much.

Mayor Ward informed Mr. Dietrich his speaking time had expired.

Mr. George VanGuilder, President of Copeland Industrial Park Business Association, 4600 Victoria Boulevard, greeted those on the dais and made the following statement: I am here to thank you for the City of Hampton's support for our park. As you probably know, we're located straddling the line between Hampton and Newport News, with the approximate boundaries of Briarfield Road, Powhatan Parkway, Pembroke Avenue, and Marshall Avenue in Newport News. We consider our association as a means whereby over 200 businesses within our park have a voice in our community, as well as providing a conduit for communication to and from the cities of Hampton and Newport News. We also promote business to business within the park. We have successfully supported several projects within the park, such as soliciting Hampton Police Department to help solve parking issues, providing an open forum for informational discussion on pending approval for new businesses in the park, and various construction projects, such as the widening of E Street and City Line Road. We hold quarterly association meetings for members, property owners, and business owners in the park, and those outside the park with associations to businesses in the park. We have employed the help of the Police Departments and Commissioners of Revenue from both cities to educate our members in such matters as safety and taxation. Our next meeting is scheduled for 11:30 am on November 1<sup>st</sup> as a luncheon meeting at the ARC of Virginia.

Mr. VanGuilder invited the members of Council to attend the November 1<sup>st</sup> meeting and thanked them on behalf of the association for their continued support in providing a safe and attractive environment in which to work. He added we are especially appreciative of the assistance we received through the Economic Development Department.

Mayor Ward thanked Mr. VanGuilder for the invitation.

Mr. Tom Gear, 43 Mohawk Road, greeted those on the dais and made the following statement: I'm not here really to talk to you about the hottest topic in Hampton today, or the Peninsula or maybe even the State, about the cigarette sting. But I do have a couple questions for members of Council. And first of all, I would like to ask Mr. Tuck: Could you tell me when you were first made aware of the cigarette sting.

Councilman Tuck responded August 1<sup>st</sup>.

Mr. Gear then addressed Councilman Moffett with the same question, to which Councilman Moffett replied: "Approximately August 1<sup>st</sup>. I must state that informally, through rumor, I had received some notification prior to that. But officially, it was about August 1<sup>st</sup>."

Mr. Gear then addressed Councilman Stuart with the same question. Councilman Stuart reminded the Mayor that this is not a question/answer period. Mayor Ward acknowledged this and warned Mr. Gear that he was using his three minutes ineffectually.

Mr. Gear asked for clarification on the Mayor's meaning. Mayor Ward noted the Clerk read the protocol at the beginning of the meeting stating this is not a back and forth session. She stated she would not get into a back and forth discussion at the dais.

Mr. Gear responded: I am not going back and forth, I just wanted to ask the question. It's a simple question, for a simple answer. So I'm not really going back and forth. But this past Friday, Madame Mayor, I called the office and spoke to Senior Executive Assistant to the City Manager Ms. Donna Hodges and left a message for you to call me. You still haven't called me. My question to you is, when were you made aware of the cigarette sting?

Mayor Ward reminded Mr. Gear that this was not a back and forth session. She also stated that her understanding was he had called the office as a reporter for the James River Journal. She asked him if he was here as a reporter or as a private citizen.

Mr. Gear responded: Let me clarify that with you. I'm here as a private citizen, so my question to you is, as a private citizen, when were you made aware of the cigarette sting?

Mayor Ward reminded Mr. Gear again that, while they were happy to listen to him speak for his three minutes, the protocol of the meeting dictated that there would be no back and forth between him and the dais.

Mr. Gear responded: Well, thank you. Madame Mayor, I ask you again, when were you made aware of the cigarette sting?

Mayor Ward stated that she had answered the question as she was going to, and that Mr. Gear could take his time at the podium, or the Council could move on to the next citizen.

Mr. Gear responded: I appreciate that answer. Madame Mayor, again, when were you made aware of the cigarette sting?

Mayor Ward informed Mr. Gear that he was out of order and they would be moving on to the next citizen.

Mr. Gear responded: I appreciate that. I appreciate your answer. But Madame Mayor, when were you made aware of the cigarette sting?

Mayor Ward repeated that Mr. Gear was out of order and needed to leave the podium.

Mr. Gear responded: I appreciate your answer, but again I'd like to ask you, when were you made aware of the cigarette sting? It's a very simple question, deserves a very simple answer that a lot of people in Hampton want to know the answer to.

The officers on duty approached Mr. Gear to reiterate he was out of order.

Mr. Gear responded: I appreciate that, but I have a simple question and I want a simple answer. I understand. I appreciate that. I ask you again, Madame Mayor, when were you made aware of the cigarette sting?

Mayor Ward repeated that Mr. Gear was out of order, and requested that he leave the podium.

Mr. Gear responded: I want to get an answer to my question. No, my time isn't up. As a citizen, I have a question I'd like to have an answer to. It's up to you.

Coalition for Justice for Civil Rights President Mr. Rudy Langford approached Mr. Gear and asked him to have a seat.

Mr. Gear replied: Just leave me alone, will you? I want an answer to my question, I want an answer to the question.

Mayor Ward informed Mr. Gear that he had become disruptive and requested that he leave the Chambers or they would have him escorted out.

Mr. Gear responded: Whatever, I just want an answer to my question.

Mayor Ward reminded Mr. Gear once again there are proper rules of engagement before Mr. Gear was escorted from the Chambers.

Mr. John Krulis, 3631 Chesapeake Avenue, greeted those on the dais and made the following statement: I hope all of you are taking due note that these are new instructions. These are new instructions as to the way in which they are being carried out. Everybody that watches this on video, I hope will take due note that, it's not just the City Attorney's responsibility to give that little nod to say "take him out." It's your responsibility for all of these things. You cannot shirk it. The current investigation, you cannot shirk that. It's

your investigation. Listen, my worst time of the month is this time, to come up here. I hate coming to the City Council more than you hate me coming to the City Council. Believe me. Sometimes, I am absolutely flabbergasted as to what's going on. I understand that you're considering further restrictions on these three minutes. These three minutes are probably the most important three minutes that you've got out of the freaking month because all you get is the yes people who tell you exactly what you want to hear. And the only people who come up here, and I don't even know these people. We are not here as some sort of a group to come up here and to pester you. We have legitimate reasons for being here and every one of us has a different one. But we are disgusted with how the City does business, quite frankly, quite disgusted. And my three minutes, you know I'll be out the door, let me tell you. Let me tell you one thing I forgot to bring up last time that was on my first agenda. Every one of these meetings you pass on your previous meeting minutes, do you not? Or whatever, the minutes before. Go to the website for the City and ask yourself. Point on to where the City Council meetings are, and you take a look at where the minutes are for these meetings. February. February is the last time the minutes were recorded for you to see. These aren't just some flimsy something-or-another, these are legal documents. When you make a motion here, and when you vote on it, that's the legality of it. And if you're not posting it, what is your responsibility for that. You're responsible. I tell you, I went to the whatchamacallit, the Creedy program over in Norfolk today. There wasn't anybody else from Hampton there, but they sure knew about Frank Ottofaro. Frank Ottofaro is known for what you did to him. Frank Ottofaro is part of the curriculum now around the country. Folks, these three minutes - you tried some years ago to restrict those three minutes because of Frank Ottofaro. You did. You tried to restrict them because he was coming back with the same thing that you did not want to hear. And your predecessors turned it down. And I hope you will start doing the same thing. You're being told what to do up here on City Council. You think you're your own voice, you have been put here by this City. Understand that. I'm leaving, please don't call the cops.

Mayor Ward informed Mr. Krulis that his time had expired.

Mr. Rudy Langford, PO Box 282, greeted those on the dais and made the following statement: For 27 years, 313 times before Council, I've never seen a citizen arrested for going two and a half minutes over time. It's shameful. It's a dark day on this City Council to have Tom Gear, former General Assembly member, arrested. I'm appalled by that. I'm here this evening. The Coalition's plan was to come to Council tonight and to make the presentation concerning the corruption of the cigarette sting. But because of additional information and change of circumstances, we have deferred that until November 10<sup>th</sup>. However, I have a member here, and myself that would like to ask the Council some questions. The first question is who sold the 9 vehicles to the police department? Was it a member of City Council? And if it was a member of Council, how much money was involved? Did any Council official and City Council member receive any money from the sting operation? Where are the nine vehicles? Are they in the City's possession or are they somewhere else? The Coalition is asking for a full audit of this investigation. We did decide that we would not come to any conclusions until the investigation is done completely and the facts come out. We do expect City Council members, our elected officials, our governing body, to go public and tell the citizens exactly what that investigation was all about, who was involved, and to answer the questions that we're going to ask you this evening. There is enough information now, right now, right now, to ask for the City Manager to resign. How can a City Manager, quickest three minutes I've ever - anyways, I don't want to go to jail again for conspiracy, for you all to do that. It was

a conspiracy for you to do that to me October 10<sup>th</sup> last year by one Council person and Chief Jordan, so I'm going to sit down because I don't want to be arrested tonight. But you can tell that I'm angry because Tom Gear served our State well. And he was arrested tonight for two and a half minutes over time. That's appalling. Twenty-seven years and 313 Council meetings I've attended. I have contributed and paid my dues to this City. I am what I am, and I know who I am and I understand that what happened tonight with Tom – and the Deputy Sheriff says she was ordered by the Mayor to do such a thing. How dare you do that. Jimmy Eason served for 18 years and he never did anything that bad.

Mayor Ward thanked Mr. Langford.

Mr. Edwin Boone, 48 Snow Street, greeted those on the dais and made the following statement: The Sheriff approached me also. I happened to step down right before she came, but she's on camera at one of the City Council meetings and I was about 10 seconds over three minutes. Dear President Obama and your supporters, to help raise much needed funds for your reelection campaign, I offer the original copy written poem entitled "Insight." The poem will galvanize the nation's attention to strategically focus on the importance of getting the President's message out and support the Democratic ticket. This will enable us to vote for Democratic congressional and senatorial candidates. I submit this original poem to amplify the many ads filtrating newspapers, on television, radio, grass roots door-to-door campaigning and internet. This will be much better with one central theme that will captivate the minds of registered and unregistered voters. Time is of the essence. I believe this approach will enhance ads that are focused on actively captivating the attention and influencing voters to participate in this life altering election. The Democratic message is to help the less fortunate and the middle class regain its stability. The GOP is wastefully spending billions of dollars to buy the election through illegal voter registration and suppression tactics. However, "Insight" will supersede all of their contrary efforts and intentions. Once "Insight" is incorporated into your campaign efforts, the election for the President and Democratic Congress and Senate will undoubtedly be successful. Surely you would have discovered the answer to the apathetic and uninformed voting public. I reiterate, time is of the essence. I look forward to hearing from you soon. "Insight" will be used throughout President Obama's next presidential term. Sincerely submitted by Edwin M. Boone, Poet. Thank you.

Mayor Ward thanked Mr. Boone and noted that this was all the citizens signed up to speak. Mayor Ward then called for any additional speakers from the audience. There were four additional speakers.

Ms. Gaylene Kanoyton, President of Hampton Watch, 10 Buckroe Avenue, greeted those on the dais and made the following statement: A year ago, I came before you to request that there be a charter change, that all the School Board seats be at-large. We were supposed to get a package together, or some discussions were supposed to happen, and it was deferred. We're not sure where it is in the process right now, but I really want to put that back on the table to be submitted at this General Assembly coming up in 2013 January. It is this that will increase our talent pool for at-large seats on the School Board and I think it will be good for our children and for our families. And also, in reference to what's going on with the Police Department, I just want to say that I hope that it will be, as it is, an inclusive process where the citizens are made aware. It's very disheartening right now. It hurts me deeply to see our City go through this right now, and we have got to instill trust back into our police force, confidence with the citizens of

Hampton into our police force, and it's not there right now. So, therefore, I hope this can be put behind us. As far as the rules of speaking for three minutes, it has to be a standard, I understand that we're supposed to speak to you, and if someone was to call you, and you get the message, I hope that a call will be returned for that, but I understand that it has to be a process with that. That's all I need to say. Thank you very much.

Mayor Ward thanked Ms. Kanoyton.

Mr. Frank Ottofaro Jr., 341 Wrexham Court, greeted those on the dais and made the following statement: Sorry for not getting signed up in time. I got here a couple minutes late. I'm here tonight on two issues. Obviously, one is about my dad, who fought for 12 and a half years up until his death back in March of this year, for twelve and a half years, or actually for 12 years for what he thought was right. To this day the Ottofaro family is owed another \$240,000 plus 12 and a half years of interest, to this day. If anyone in this room or at home was owed this kind of money, and it was part of your retirement as a 78 year old widow, like my mother is right now, you would fight here too for your rights. I don't think anybody at home would think any different either. My father taught all of us for the past 12 years of his fight for what is right to never, never, never give up. This Council hopes that you do give up. An example of this just happened. All I can say is, you know, wow. This was something that you obviously don't like to see. This Council's continued silence regarding the Ottofaro property and matter, we've been doing it for a long time now, Council's changed several times. Your silence is basically your guilt. No one answers, basically they don't want to. They wait until your three minutes are up and you're done and asked to sit down. The second issue has to do with basically any citizen, the Council should not silence its citizens by telling them here at these meetings what they can or cannot speak about, even if it is a poem by Mr. Boone over here. To him, in his eyes, that's important. To us, maybe, it is a little bit of a waste of time, but if you stop people like Mr. Boone, you're going to stop the 12 year old kids coming up here wanting to talk about their pets. They think it's important to them. And you guys and ladies need to see this. It might not be important to the Council as a whole or to this City, but it's important to the person. You are cutting the legs right out from under a person who is a human being. And I'd like to remind everybody that on November 6<sup>th</sup>, when the election comes up, one of the items on this ballot is going to be vote yes for private property rights. We need them. This is your house, this is your property, it can be taken from you at any will by any city, any county in this State. So, you need to protect it, you vote yes, because if you don't, you're going to open yourselves up, and when it finally, or if it ever does happen to you, you're going to be up here, you're going to be doing the complaining. And I guarantee you probably won't make it for 12 years like my dad did. He died of congestive heart failure. On the very night he died, he tried to get out of his bed to come here. And then it was over. Thank you for your time.

Mayor Ward thanked Mr. Ottofaro.

Ms. Linda Kizzart, 1130 Lakeland Dr., Newport News, greeted those on the dais and made the following statement: I am here this evening as a board member for the Coalition for Justice. I am here this evening to speak on the Blue Water Tobacco sting operation. These are the questions I'm authorized to ask you. Number one, who authorized the sting to go on? Number two, who opened the account at the Langley Federal Credit Union? Number three, who made deposits and who was authorized to make withdrawals? Number four, did any staff member or department head have

authority to make deposits or withdrawals and were their names on the account? Number five, why were the vehicles purchased and who were they issued to? Where are the vehicles now? Number six, why is Major Randy Seals still on administrative leave, Lieutenant J. Crotts retired, and Corporal C. Lyon is back on duty? Explain. Number seven, was City Manager Mary Bunting and Finance Director Karl Daughtrey names on the account? Did they expend money from the account? Number eight, why haven't the bank statements been made public? Number nine, the most graciously and sincerely, thank you for listening.

Mayor Ward thanked Ms. Kizzart.

Mr. Hugh Bassett, 117 Rip Rap Road, greeted those on the dais and made the following statement: First thing, you need to tell that young lady to stop approaching people. That's intimidating, that's not necessary. Even if people go over, I've seen people go way over. So now we go over, we got to face a person with a gun? That's just not necessary. Secondly, I attended the retreat. Two things I want to say. Evidently, I left too early, because I left at lunch time and didn't even get a lunch as a matter of fact. Donnie Tuck you have a right to run for Council any time you feel like it, don't let these people tell you that you can't run just because it's anything. If you are a citizen of this City, you meet the qualifications, you can run. Fight it, take it to court. Secondly, the conversation y'all had about limiting speech. Ms. Ward, you went to law school, Ms. Hudson, you went to law school. There are only certain things that you can do to limit a person's free speech. I can get up here and say whatever I want to say. Three minutes, now after three minutes, yes, I should go sit down. Mr. Boone has a right to read that poem if he feels like it. You can't – you notice that some people don't come here anymore. A couple people used to speak regularly. Now you're going to try to put a muzzle on us, okay? You're not going to put no muzzle on me. I've already contacted the American Civil Liberties Union and Ms. Snead and Mr. Wallace, I don't know what you all are going to come up with, but be very careful, okay? The First Amendment guarantees a citizen the right to speak, and you cannot place - only certain limitations, obscenity, if I can remember my law school training, a few more – but I got a right to say what I want to say. If you don't like it, fine, but you can't stop me from saying it, okay? I'm from Old Northampton, we're going to fight this, I am going to fight this, even if I have to take my little dollars and we're going to go to court because you're not going to put a muzzle on me. I went to Vietnam and slept in the jungle, supposedly to give people in Vietnam the right of Democracy and free speech and I'm sure not going to come back here and let you take my rights away from me. I'm from Old Northampton and we like Sarah Palin. We don't retreat, we reload. Thank you.

The meeting adjourned at 6:34 p.m.

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Molly Joseph Ward  
Mayor

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Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_